



PTO/SB/61 (04-07)

Approved for use through 09/30/2007, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

23050-09086

First Named Inventor: Pierfrancesca, La Muva Art Unit: 3693
 Application Number: 09/885,720 Examiner: Daniel S. Felten
 Filed: June 19, 2001
 Title: ENHANCED AUCTION MECHANISM FOR ONLINE TRANSACTIONS

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
 Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
 See 37 CFR 1.27.

☒ Other than small entity – fee \$ 500 (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of
Amendment and Response (identify the type of reply):

☒ has been filed previously on April 4, 2007

☐ is enclosed herewith.

05/14/2007 MGBREM1 00000030 09085720

B The issue fee of \$ _____

01 FC:1452

500.00 OP

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

M. A. B.
Signature
MARC A. BERGER
Typed or printed name
P.O. Box 691
Address
SOQUEL, CA 95073
Address

May 9, 2007
Date
44029
Registration Number, if applicable
831-426-8200
Telephone Number

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

5/9/07
Date

[Signature]
Signature
Robert Blumberg
Typed or printed name of person signing certificate



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UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

<u>M. A. R.</u>	<u>May 9, 2007</u>
Signature	Date
<u>MARC A. BERGER</u>	<u>44029</u>
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicants filed a timely response on April 4, 2007, with a petition for three month extension of time and a late fee.

Applicants contacted Examiner Feltan, who advised that the application went abandoned due to a USPTO error, caused by a discrepancy in the eDAN and PALM systems. A copy of Examiner Feltan's e-mail is attached hereto.

Applicants are filing this petition to revive at Examiner Feltan's suggestion.

(Please attach additional sheets if additional space is needed.)

Marc Berger OIPE

From:
Sent:
To:
Subject:

MAY 09 2007

PATENT & TRADEMARK OFFICE

Felten, Daniel S. [Daniel.Felten@USPTO.GOV]
19:04 2007 יום שישי 04 מאי
mberger@bezeqint.net
RE: US Serial No. 09/885,720

Mr. Berger,

After checking our internal electronic file wrapper system this morning, "eDAN," I see that you are correct and that your amendment was submitted with an OIPE date of April 04, 2007. I apologize for the error. Cases that are flagged for potential abandonment are flagged to us via our PALM website. Sometimes there is a disconnect between the information on the PALM system and the eDAN system, or both systems are not updated when the abandonment goes out, as was in all probability the case here. In order to expedite re-opening the case, I recommend that you file a "petition to revive" the abandoned case. Once again, I sincerely apologize for the oversight and any inconvenience this may have caused you or your client.

Sincerely,

Ex. Daniel Felten
Art Unit 3693
Business Methods

> -----Original Message-----

> From: Marc Berger [mailto:mberger@bezeqint.net]
> Sent: Friday, May 04, 2007 10:58 AM
> To: Felten, Daniel S.
> Subject: US Serial No. 09/885,720

> Dear Examiner Felten,

> This concerns US Application Serial No. 09/885,720. You issued an
> office action rejection on October 4, 2006, and I filed a response on
> April 4, 2007 via Express Mail. My response is posted on Public PAIR.
> You issued a Notice of Abandonment on April 10, 2007, indicating that
> no reply was received.

> Please advise.

> Sincerely,
> Marc Berger
> Reg. No. 44,029